

REMARKS

Reconsideration of the above identified patent application is hereby respectfully requested in view of the foregoing amendments and following remarks. Claims 2, 3, 4, 10, 11, 13-16, and 18 have been canceled and claims 1, 5, 6, 12, and 17 have been amended. Claims 1, 5-9, 12, and 17 remain in the case.

The applicant appreciated the thoroughness of the review by Examiner Josiah Cocks.

A petition and Fee for Extension of Time under 37 CFR 1.136(a) and payment thereof for an appropriate extension is attached hereto.

1. Acceptance of the drawings is noted and appreciated.

2-3. The limitations of now canceled claims 2 and 10 have been included in amended base claim 1. Accordingly, the antecedent basis has been corrected and reconsideration is

respectfully requested. Thank you for correctly interpreting original claim 10 as depending from original claim 2.

4-6. The claims were rejected as anticipated by various combinations of the three primary cited references. Instant claim 1 has been amended to include elements and attributes that would be impossible from a mere combination of the cited references.

For example, claim 1 now recites, "wherein said combustible fuel is adapted to flow from said main body and through all of said extensible conduit". The device of Hage, while extensible, does not pass any combustible fuel through any of the extensible segments, as instant claim 1 recites. Accordingly, the significant benefit of using butane as the combustible fuel and of having the butane pass through all of the extensible members, as claimed, is believed to be impossible by the cited combination.

Additionally, instant claim 1 also recites as a limitation, "includes means for igniting said combustible fuel at a distal end of said extensible conduit means". As the prior art does not teach an extensible "conduit" adapted for passage of the butane, the prior art cannot teach or suggest igniting any type of a fuel at a distal end of an

extensible conduit. Accordingly, this element, and its related benefits, would also be absent from any applied combination.

Further, claim 1 now also includes a snuffer that is attached to the main body and at an end of said main body that is disposed distally away from said extensible means. Claim 1 further recites that snuffer is adapted to pivot intermediate a first position in which a longitudinal axis of the snuffer is perpendicular to a longitudinal axis of the main body into a second position in which the longitudinal axis of said snuffer is parallel to the longitudinal axis of said main body.

The device of Hage includes its suspended snuffer at an opposite end, where the wax taper is located. This provides a large width for the device of Hage which makes access to small spaces difficult. As the snuffer is not used when the wax taper is used to light objects, the snuffer only provides a disadvantage when placed near the wax taper.

However, when the instant snuffer is rotated so that it is in line (parallel) with the main body, the snuffer itself can be partially gripped by a hand of a user, with a remainder of the hand also gripping the main body. Not only

is the snuffer out of the way when its use is not required, but in its non-use position, it provides the instant device with the smallest width possible, thereby allowing access of the lighter in the smallest of areas.

The snuffer, when disposed in the non-use position, also provides the unexpected benefit of being useful as an extension to the main body, thereby further increasing the overall effective length of the instant device.

These are believed to be significant benefits that are absent the prior art and which would also be absent any applied combination thereof.

Accordingly, the rejections as applied to the remaining claims is believed to be overcome and reconsideration is respectfully requested.

7. The action being non-final is noted.

8. The prior art made of record and not relied upon that is considered pertinent to the applicant's disclosure has been reviewed by the undersigned, but is deemed no more relevant than the applied references.

As all remaining claims 1, 5-9, 12, and 17 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest time.

9. The applicant appreciates the opportunity to communicate by telephone with the Examiner if necessary. Please continue to direct all correspondence to the correspondence address and telephone as shown below.

Respectfully submitted,

A handwritten signature in cursive script, followed by the date "1/27/05" and a horizontal line.

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